

**Staff  
Summary  
Report**



**To: Mayor & City Council  
Through: City Manager**

**Agenda Item Number\_  
Meeting Date 05/06/99**

**SUBJECT: ORDINANCE FOR INTRODUCTION**

**PREPARED BY: JIM CRISTEA, ENGINEERING MANAGER, LAND SERVICES**

**REVIEWED BY: HOWARD C. HARGIS, CITY ENGINEER**

**BRIEF:** This is a public hearing to abandon a portion of an existing 20' alley abutting 609, 611, 613, 619, and 625 S. Mill Avenue and declare the existence of an emergency.

**COMMENTS:** **ABANDONMENT (0901) ORDINANCE NO. 99.12** Hold a public hearing for the abandonment of a portion of existing alley right-of-way located north of 7th Street and east of Mill Avenue and declare the existence of an emergency.

**Document Name:** (990506PWSB03) Supporting Documents: Yes

**SUMMARY:** This abandonment is necessary to facilitate MCW's plans for the redevelopment of 7th Street and Mill Avenue. City of Tempe staff was waiting until the developer had either assembled, or had agreements to purchase, all the private parcels within the redevelopment area. Because construction is to follow almost immediately upon the completion of the purchase of all the parcels, staff needs to introduce an emergency abandonment in order to keep the project on time.

**RECOMMENDATION:**

That the City Council set a public hearing declaring the existence of an emergency and adopt Ordinance No. 99.12 and authorize the Mayor to execute any necessary documents.

Approved by: Judith Greenberg, Public Works Director

ORDINANCE NO. 99.12

AN ORDINANCE BY THE CITY COUNCIL OF THE  
CITY OF TEMPE, ARIZONA, ABANDONING A  
PORTION OF AN ALLEY RIGHT-OF-WAY LOCATED  
AT EAST 7TH STREET AND SOUTH MILL AVENUE  
AND DECLARING THE EXISTENCE OF AN  
EMERGENCY.

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WHEREAS, it has been determined by the City Council of the City of Tempe that  
a portion of a certain right-of-way which was intended for an alley is no longer required by the  
City for use as such, and

WHEREAS, it would appear to be in the best interest of the City of Tempe to  
abandon said portions of the alley, and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE  
CITY OF TEMPE, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION I. That the City of Tempe does hereby abandon, relinquish, and vacate  
a certain portion of an existing right-of-way which was intended for an alley as described and  
delineated on EXHIBIT "A" attached hereto.

SECTION II. That all rights of the City in that portion of the alley abandoned  
shall vest in the record owner of the adjoining property to the east and shall be subject to the same  
encumbrances, liens, limitations, restrictions, and estates as exist on the land of which the alley is  
a part.

SECTION III. That the Mayor is hereby authorized to execute any documents  
that may be necessary to carry out the provisions of this ordinance.

SECTION IV. The immediate operation of the provisions of this Ordinance is necessary for the preservation of the public peace, health, safety, and general welfare of the community, an EMERGENCY is hereby declared to exist and this Ordinance shall be in full force and effect from and after the date of its adoption and passage by the City Council of the City of Tempe.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE,

ARIZONA this \_\_\_\_\_ day of \_\_\_\_\_, 1999.

\_\_\_\_\_  
Mayor

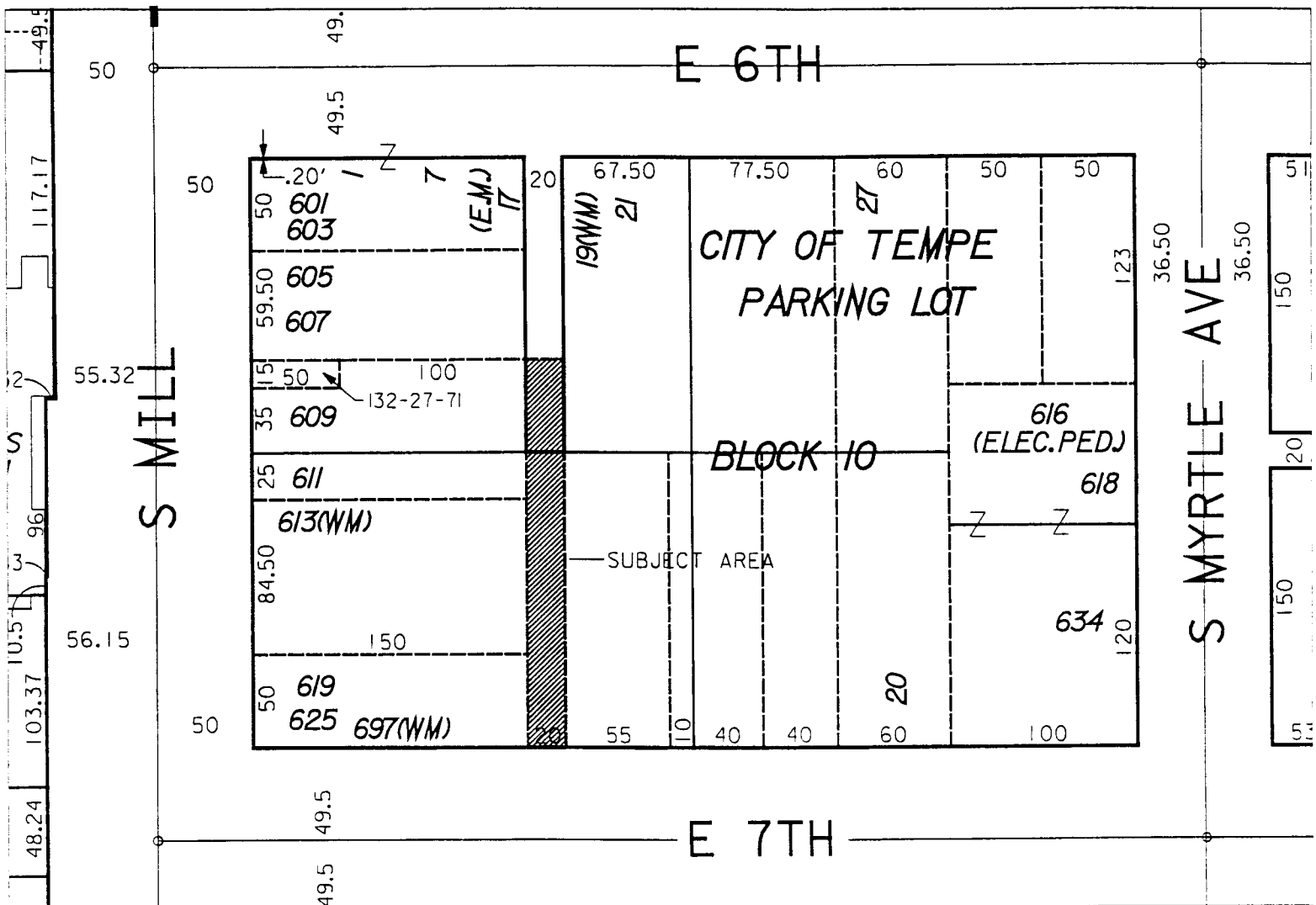
ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

EXHIBIT "A"



LEGAL DESCRIPTION

The West 20 feet of the East 325 feet of the South 209.50 feet of Block 10, Tempe, according to Book 2 of Maps, Page 26, Maricopa County Recorder.